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TAGS: [PREL](#) [UNSC](#) [ETTC](#) [SU](#) [PGOV](#)
SUBJECT: SUDAN: UN EXPERTS DOCUMENT SANCTIONS VIOLATIONS

Classified By: Amb. Rosemary DiCarlo, for reasons 1.4 (B) AND (D).

11. This is an action request -- please see paras 2 and 15.

12. SUMMARY: The Sudan Panel of Experts (POE), a UN-mandated group charged with monitoring implementation of Sudan-related UN sanctions, has issued a report documenting extensive violations in Sudan. The report criticizes Khartoum for violating the limited arms embargo on Darfur, using white aircraft painted to resemble UN/humanitarian aircraft, conducting offensive overflights in Darfur and not implementing the Security Council-mandated targeted sanctions (asset freeze/travel ban). The report traces the origin of arms/ammunition used by rebel movements and documents violations of international humanitarian law by both rebel and Sudanese forces. The POE report recommends an expansion of the arms embargo, greater Sudanese compliance with the imposed measures, an expanded role for international missions to monitor the embargo and increased resources for the POE to continue its work. The Sudan Sanctions Committee will discuss these recommendations in the near future. USUN requests guidance on how to respond to the report and its recommendations. END SUMMARY.

13. (C) On October 1, Security Council members received a confidential draft of the final report of the Sudan Panel of Experts (POE), the team responsible for monitoring current sanctions measures in place against Sudan. (NOTE: Composed of five UN contractors, the POE had a 12-month mandate from the Council to assist the Sudan Sanctions Committee in revising the targeted asset freeze, travel ban and Darfur arms embargo. This is the fourth Panel report since the Security Council established the group in UNSCR 1591 (2005). END NOTE.) This well-sourced, 85-page report contains a number of allegations and recommendations that will likely affect the policy discussion on Darfur.

POE: KHARTOUM VIOLATING ARMS EMBARGO, OBSTRUCTING WORK

14. (C) The POE report focuses heavily on the Government of Sudan (GOS) and its violations of the Darfur arms embargo and crimes against international humanitarian law. (NOTE: UNSCR 1591 bans the transfer of arms to the territory of Darfur. This ban also applies to the GOS, which is required to seek prior approval from the Security Council's Sudan Sanctions Committee prior to any arms transfer to Darfur. END NOTE.) The report notes that the GOS has never sought prior approval from the Sudan Sanctions Committee for any such arms transfers, and then cites extensive evidence of the weaponry the GOS has transferred to Darfur in contravention of the embargo. The POE also documented GOS obstruction of its own work, including restrictions on the POE's access to airports,

flight logs, military and other government personnel.

¶15. (C) The POE report also investigated reports of offensive military overflights in Darfur, which the Security Council in UNSCR 1591 demanded cease. Based on expert analysis of shrapnel, unexploded ordnance, attack vectors and witness statements, the report assesses that "offensive military overflights continue with impunity." When presented with this evidence, GOS officials claimed to the POE that the Sudanese Armed Forces had never conducted bombings in Darfur and that the rebel movements had apparently produced fake bomb sites in order to discredit the government.

WHITE, UNMARKED AIRCRAFT: A PRESCIENT WARNING?

¶16. (C) The POE report provides evidence, including photos, of the ongoing use of white aircraft in Darfur by the Sudanese Armed Forces (SAF). Some types of these helicopters, the report observes, are almost identical to white helicopters in use by the United Nations. The POE report claims that "the use of these (SAF) helicopters has resulted in the targeting of UN aircraft by armed groups opposed to the Government of Sudan." The experts provided firsthand confirmation of this: on August 11, 2008, rebels from the Justice and Equality Movement (JEM) fired on a white UN helicopter carrying POE members. Subsequent communications with JEM revealed that the rebels mistook the UN aircraft for a GOS white helicopter. The POE experts warned "it may only be a matter of time before this purported inability to distinguish between UN and (SAF) helicopters results in more deadly consequences for UN staff and humanitarian options. (NOTE: This might

have already happened: on September 29, a UN helicopter crashed close to a refugee camp; the crash occurred, however, after the POE finalized its report. The UN is currently investigating the crash to determine whether the helicopter was shot down. END NOTE.)

¶17. (C) When confronted on the matter, GOS officials told the POE that while these helicopters were indeed white, they carried no UN markings. The POE observed, however, that the helicopters carry no distinguishing marks other than a tail number and they carry neither civilian registration nor a painted Sudanese flag. The POE report assesses that "The GOS has provided no satisfactory explanation as to this apparent penchant for ensuring that their white helicopters remain completely bare of elements identifying them as military aircraft."

TARGETED SANCTIONS GENERALLY UNIMPLEMENTED

¶18. (C) The POE determined that the GOS had not implemented the targeted sanctions measures (asset freeze and travel ban) imposed by the Council against four individuals in 2006. To the contrary, two designated individuals are currently employed by the GOS: Musa Hilal is a senior government adviser and Gaffar Mohamed Elhassan is a serving in the SAF in Khartoum.

¶19. (C) The POE reported that Sudan's neighbors (Chad, Libya, Egypt) claimed to have taken some actions to implement the targeted sanctions, although no assets have been frozen and the porous nature of some borders (especially Chad-Sudan) has complicated enforcement of the travel ban.

TRACKING REBEL ARMS AND HUMAN RIGHTS VIOLATIONS

¶10. (C) The POE analyzed in depth the arms and ammunition used by rebel groups, in particularly JEM. The POE found JEM in possession of arms that at one time formed part of the legitimately held stockpiles of Sudan's neighbors (in particular Chad); the JEM also held arms and related materiel from Sudanese stockpiles that were acquired on the battlefield or through other internal sources.

¶11. (C) Rebel weapons and related materiel, the POE report determines, came from states such as China, Russia, Serbia, Bulgaria and the United States. The U.S.-origin goods were rifle cartridges that the POE, with U.S. assistance, determined were provided by U.S. manufacturers through a Foreign Military Sales program to Chad between 1983 and 1987.

The POE complained that many countries -- China was mentioned repeatedly -- did not answer requests for more information on the origin of these arms.

¶12. (C) In addition to studying arms flows, the POE report shines light on human rights violations committed by both rebel groups and the GOS. The report provides extensive information about the use of children in armed conflict, including allegations that JEM recruited children who were part of the May 2008 attack on Omdurman. On the GOS side, the POE report sketches out mistreatment of detainees, toleration of sexual and gender based violence and attacks on displaced persons camps.

POE RECOMMENDATIONS

¶13. (C) In line with its mandate, the POE made numerous recommendations for follow-up action. Key recommendations include:

-- The Darfur arms embargo should be expanded to cover the entire territory of Sudan, as well as Chad and parts of northern Central African Republic;

-- Sudan should comply with its obligations under UNSCR 1591, namely by removing military assets in Darfur that are in violation of the arms embargo, cease painting its aircraft in ways that resemble UN/humanitarian aircraft, cooperate more fully with the POE, and implement the asset freeze/travel ban.

-- UNAMID, MINURCAT, EUFOR and UNMIS should do more to analyze violations of the arms embargo, including the establishment of dedicated embargo monitoring cells and

mainstreaming these monitoring functions into their work;

-- The Security Council should provide additional resources to the POE to enable the panel to better carry out its mandate.

NEXT STEPS

¶14. (C) The POE will brief the Security Council's Sudan Sanctions Committee on October 10 about the report's principal conclusions. Italian PermRep Terzi, chair of the Sanctions Committee, would like to have a fuller discussion of the POE's recommendations the following week. Council members, however, have the right to request that the POE report be translated into all the UN's official languages. If this request is made, the Committee may have to wait four weeks or so until the translations are completed.

¶15. (C) ACTION REQUEST: USUN requests guidance on how to respond to the POE's report in the Sanctions Committee, in particular the U.S. position on the principal recommendations summarized in para 13.

¶16. (C) The full POE report (a 9 MB pdf file) has been mailed to IO/PSC. Please email Lorraine Konzett (konzettl@state.gov) at the USUN Sanctions Unit to request additional copies.
Wolff